FEDERAL COMMUNICATIONS COMMISSION Washington, D. C. 20554

JAN 1 4 2002

OFFICE OF MANAGING DIRECTOR

John Carroll, President Carroll Broadcasting, Inc. Post Office Box 549 523 Meadow Road Tawas City, Michigan 48764-0549

Re: Stations WQLB(FM), WKJC(FM), and WIOS(AM), Tawas City, Michigan Fiscal Year 2001 Regulatory Fees Fee Control Nos. 0109108835191012 and 0109188835548007

Dear Mr. Carroll:

This is in response to your request dated September 11, 2001, filed on behalf of Carroll Broadcasting, Inc. (Carroll) for a partial refund of the fiscal year (FY) 2001 regulatory fees paid by Stations WQLB(FM), WKJC(FM), and WIOS(AM), Tawas City, Michigan. For the same reasons supporting your request for a partial refund of the FY 2001 regulatory fees, you also request that the regulatory fees for these stations be reduced for future years. Our records reflect that Carroll paid FY 2001 regulatory fees of \$675.00, \$850.00, and \$300.00 for Stations WQLB(FM), WKJC(FM), and WIOS(AM), respectively.

You assert in the request that the regulatory fees established for WQLB(FM) (a Class C-3 FM station), WKJC(FM) (a Class C-2 FM station), and WIOS(AM) (a Class D AM station¹) should be reduced because the stations' population counts for purposes of the FY 2001 regulatory fees (i.e., 25,062, 37,482, and 11,402, respectively) were based on the 1990 census, and the Wurtsmith Air Force Base (which was located nine miles from the transmitter site) closed in 1994, resulting in the departure of 10,000 people from the area.

The FY 2001 regulatory fee for WQLB(FM) is the fee established for a Class C-3 FM station serving a population of 20,001 to 50,000. The FY regulatory fee for WKJC(FM) is the fee established for a Class C-2 FM station serving a population of 20,001 to 50,000. The FY regulatory fee for WIOS(AM) is the fee established for an Class D AM station serving a population of 20,000 or less. See Assessment and Collection of Regulatory Fees for Fiscal Year 2001, Report and Order, 16 FCC Rcd 13,525 (2001); 47 C.F.R. §1.1153. Based on your assertion, we requested a population recalculation for Stations WQLB(FM), WKJC(FM), and WIOS(AM), which determined that the correct population

¹ In your September 11 letter, you erroneously state that station WIOS(AM) is a Class B station. Our records reflect that it is a Class D station.

Mr. John Carroll 2.

figures for the stations for purposes of FY 2001 regulatory fees are 25,062, 37,482, and 11,402. The fees established for Stations WOLB(FM), WKJC(FM), and WIOS(AM) (i.e., \$675.00, \$850.00, and \$300.00, respectively) are therefore correct. The methodology for assessing FY 2001 radio regulatory fees was based in part upon 1990 U.S. Census data, which was the most current U.S. Census data readily available to the Federal Communications Commission at the time of the assessment. See generally Assessment and Collection of Regulatory Fees for Fiscal Year 1998, Report and Order. MD Docket No. 98-36, FCC 98-115 (adopted: June 9, 1998; released: June 16, 1998) (1998 Report and Order). Although population figures within specific service areas may change during the ten-year periods between U.S. Census population counts (as you suggest was the case at hand). U.S. Census data provide the relatively accurate and objective information that is necessary to the Commission's determination of appropriate regulatory fees. Your generalized claims provide no basis for a departure from our routine approach. We therefore find that you have neither demonstrated that the interests of the three stations in a reduction in the FY 2001 regulatory fees override the public interest nor otherwise established that the public interest would be served by a grant of your request for relief on this basis.²

You also assert that the regulatory fee for WQLB(FM) should be comparable to that paid by WHST(FM) because WHST(FM) is located only 12 miles from WQLB(FM) and both are Class C-3 FM stations. Based on your assertion, we requested a population recount for Station WHST(FM), which determined that the correct population figure for the station for purposes of FY 2001 regulatory fees is 17,326. The FY 2001 regulatory fee for WHST(FM) is therefore the fee established for an FM Class C-3 station serving a population of less than 20,000, i.e., \$350.00. The fact that Station WHST(FM) and Station WQLB(FM) are both FM Class C-3 stations located only 12 miles apart does not persuade us to reduce the regulatory fee for Station WQLB(FM) because the methodology for assessing radio regulatory fees is based in part upon the particular coverage area of each station. See 1998 Report and Order at para. 31. We therefore find no basis to support your request for a partial refund of the FY 2001 regulatory fee associated with Station WQLB(FM) on this basis.

² See 47 U.S.C. §159(d) (the Commission may waive, reduce, or defer regulatory fees only upon a showing of good cause and a finding that the public interest will be served thereby; 47 C.F.R. §1.1166; see also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order, 9 FCC Rcd 5333, 5344 (1994), on recon., Memorandum Opinion and Order, 10 FCC Rcd 12,759, para. 12 (1995) (regulatory fees may be waived, deferred, or reduced on a case-by-case basis in extraordinary and compelling circumstances upon a clear showing that a waiver would override the public interest in reimbursing the Commission for its regulatory costs).

Mr. John Carroll

We therefore deny your request for a partial refund of the FY 2001 regulatory fees associated with Stations WQLB(FM), WKJC(FM), and WIOS(AM). For the same reasons enumerated above, we find no basis at this time to support your request for a reduction of the regulatory fees for these stations in future years. If you have any questions concerning this matter, please contact the Revenue & Receivables Operation Group at (202) 418-1995.

Sincerely,

Mark A. Reger

Chief Financial Officer

WKJC FM - 104.7 • 94.9 (AMD-FO)

WIOS AM - 1480

P.O. BOX 549 523 MEADOW ROAD TAWAS CITY, MICHIGAN 48764-0549 (517) 362-3417 FAX (517) 362-4544 SEP 17 12 34 1.

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Mr. Mark Reger Chief Financial Officer Federal Communications Commission 445 12th Street S.W. Washington, D.C. 20554

Dear Mr. Reger,

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September 11, 2001

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Once again I would like to request a regulatory fee refund on my Fm's, WQLB FM, WKJC FM, and WIOS AM in Tawas City, Michigan. (See letter dated Oct. 10th, 2000). Wurtsmith Air Force base was within nine miles of my radio stations transmitter site. In 1994 the base closed down and 10,000 people left the area. Figures for regulatory fee's are based on the 1990 census.

In 2001 your regulatory fee schedule lists WKJC FM as a C2 with a city population of 37,482-\$850.00, WQLB FM as a C3 with a city population of 25,062 - \$675.00 and WIOS an AM daytimer class B with a city population of 11,402. Not just 12 miles from my WQLB tower is WHST also a class C3 and a city population of 17,326 people \$350.00.

Number 1: I feel that the base closure should be taken into consideration

Number 2: There should be some parity with co-existing class C radio stations

Number 3: I would like the figures changed for future fees in the years to come

I respectfully ask that you look into this matter. I look forward to hearing from you.

Sincerely,

John Carroll

President

Carroll Broadcasting, Inc.

PS: I did receive one phone call from your office however; I have not heard back since. It has now been almost a year since I wrote my first letter.

FEDERAL COMMUNICATIONS COMMISSION Washington, D. C. 20554

Response ductor 19/25/5

OFFICE OF MANAGING DIRECTOR

SEP 2 5 2001

Mr. John Carroll
President
Carroll Broadcasting Company
P.O. Box 549
523 Meadow Road
Tawas City, Michigan 48764

Dear Sir:

This letter is acknowledging receipt of your letter which was received by the FCC on September 17, 2001. Within 30 days of this letter we will mail you either a resolution to your item or a letter telling you when you can expect a resolution. If you have any questions concerning this letter please call the Office of the Chief Financial Officer at (202) 418-1925.

Sincerely,

/S/ Mark A. Reger

Mark A. Reger Chief Financial Officer

WKJC FM - 104.7 • 94.9

WIOS AM - 1480

P.O. BOX 548 529 MEADOW ROAD TAWAS CITY, MICHIGAN 48764-0549 (517) 362-3417 FAX (517) 362-4544

> Mr. Mark Reger Chief Financial Officer Federal Communications Commission 445 12th Street S.W. Washington, D.C. 20554

Dear Mr. Reger,

I would like to request a regulatory fee refund on one of my Fm's, WQLB FM in Tawas City. The population figures were based on the census. At the time Wurtsmith Air Force Base was within nine miles of my site. In 1994 the base closed down and 10,000 people left the area.

Because the break for a C-3 is 20,000 people or less and because the fee has my station listed at serving 25,062 people I feel it is close enough to draw this to your attention.

I would like to request a refund of \$325.00 based on the above factual information. If you have any questions please call 517-362-3417

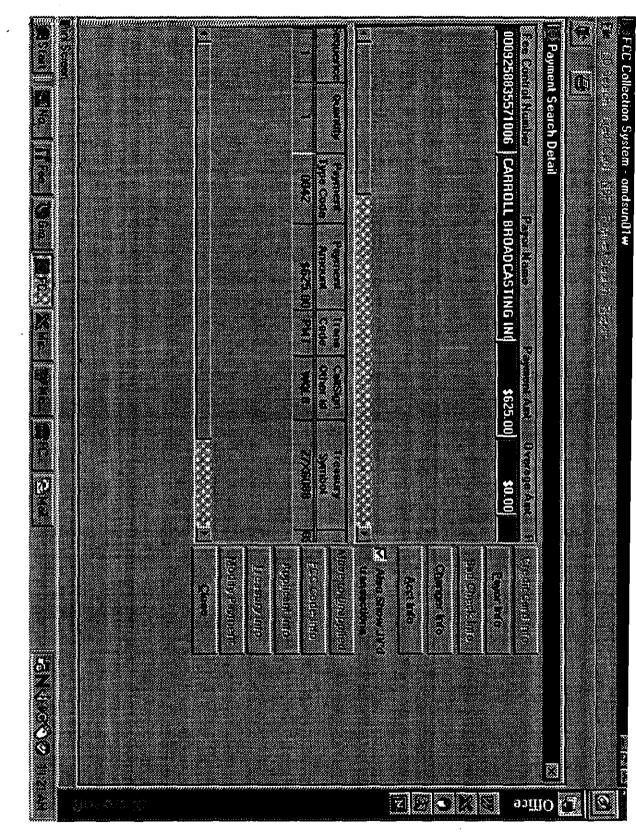
Sincerely,

0009 2588 3557/006

John Carroll

President

Carroll Broadcasting, Inc.



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Payment Transactions Detail Report

Date: 12/05/2001

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 Fcc Account Number
 Payer TIN
 Received Date

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 WP00029430
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 9/22/2000 00:00:0

PO BOX 549

523 MEADOW ROAD

TAWAS CITY

MI

48764

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